

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**SHARON GORE, as Administratrix  
and Personal Representative of the  
Estate of TULLIS HERBERT GORE,  
Deceased,**

**Plaintiff,**

**v.**

**RONALD LARRY FOSTER, JOE  
DUBOSE TRUCKING, et al.,**

**Defendants.**

**CASE NO: 3:06CV167-WKW**

**ANSWER**

Comes now the defendant, identified in the complaint as **JOE DUBOSE TRUCKING**, and answers the plaintiff's complaint filed February 23, 2006, by setting forth the following separate and several defenses:

1. The defendant is without sufficient information to admit or deny the allegations in paragraph one of the complaint and demands strict proof thereof.
2. The defendant admits the allegations in paragraph 2 of the complaint.
3. The defendant denies the allegations as worded in paragraph 3 of the complaint. The defendant admits that Mr. Ronald Larry Foster was the driver of a truck that was involved in a motor vehicle collision with Mr. Tullis Herbert Gore. However, the defendant denies that Mr. Foster's truck collided into the vehicle being driven by Mr. Gore. Rather, the defendant asserts that the pickup truck being driven by Mr. Gore collided into the trailer that was attached to the truck being driven by Mr. Foster.
4. The defendant denies the allegations in paragraph 4 of the complaint and

demands strict proof thereof.

5. The defendant denies the allegations as worded in paragraph 5 of the complaint and demands strict proof thereof.

6. The defendant admits the allegations in paragraph 6 of the complaint.

7. The defendant admits the allegations in paragraph 7 of the complaint.

8. The defendant denies the allegations as worded in paragraph 8 of the complaint and demands strict proof thereof.

9. The defendant denies the allegations as worded in paragraph 9 of the complaint and demands strict proof thereof.

10.\_\_\_\_No response required.

11. The defendant denies the allegations in paragraph 11 of the complaint and demands strict proof thereof.

12. No response required.

13. The defendant denies the allegations in paragraph 13 of the complaint and demands strict proof thereof.

14. The defendant denies the allegations in paragraph 14 of the complaint and demands strict proof thereof.

15. No response required.

16. The defendant denies the allegations in paragraph 16 of the complaint and demands strict proof thereof.

17. The defendant denies the allegations in paragraph 17 of the complaint and demands strict proof thereof.

18. The defendant denies the allegations in paragraph 18 of the complaint and

demands strict proof thereof.

19. The defendant denies the allegations in paragraph 19 of the complaint and demands strict proof thereof.

20. The defendant denies the allegations in paragraph 20 of the complaint and demands strict proof thereof.

In further answer to the plaintiff's complaint, the defendant sets forth and assigns the following additional defenses:

**FIRST DEFENSE**

\_\_\_\_\_The defendant avers that the allegations in the complaint fail to state a claim against it upon which relief can be granted.

**SECOND DEFENSE**

\_\_\_\_\_The defendant denies each and every claim in the plaintiff's complaint and demands strict proof thereof.

**THIRD DEFENSE**

\_\_\_\_\_The defendant denies that it is guilty of any negligence or wantonness which proximately caused or proximately contributed to cause the accident involved in this lawsuit or the death of Mr. Tullis Herbert Gore.

**FOURTH DEFENSE**

\_\_\_\_\_The defendant denies that any of its employees was/were guilty of any negligence or wantonness which proximately caused or proximately contributed to cause the accident involved in this lawsuit or the death of Mr. Tullis Herbert Gore.

**FIFTH DEFENSE**

\_\_\_\_\_The defendant pleads the affirmative defense of contributory negligence.

**SIXTH DEFENSE**

\_\_\_\_\_The defendant pleads the affirmative defense of assumption of risk.

**SEVENTH DEFENSE**

\_\_\_\_\_The defendant pleads sudden emergency.

**EIGHTH DEFENSE**

\_\_\_\_\_The defendant denies that it is the proper party defendant in this lawsuit.

Specifically, the defendant denies that JOE DUBOSE TRUCKING is a corporation.

/s/ David A. Lee

David A. Lee (LEE019)

Attorney for Defendant

PARSONS, LEE & JULIANO, P.C.

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**JURY DEMAND:** The defendant hereby demands a trial by struck jury on all issues in this litigation.

/s/ David A. Lee

David A. Lee (LEE019)

Attorney for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that on the 10th day of March, 2006, a copy of this document has been served on all parties to this proceeding or their respective attorneys, by U. S. Mail to:

Larry W. Morris, Esq.  
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/s/ David A. Lee  
OF COUNSEL